

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

ANN B.,<sup>1</sup>

Plaintiff,

v.

Civil No. 2:22cv223

KILOLO KIJAKAZI,  
Acting Social Security Commissioner,

Defendant.

FINAL ORDER

Plaintiff, Ann B. ("Plaintiff"), by counsel, brought this action seeking judicial review of the final decision of the Acting Commissioner of the Social Security Administration ("Commissioner") denying her claims for disability benefits under Title II of the Social Security Act. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure, the matter was referred to a United States Magistrate Judge for a report and recommendation.

On March 29, 2023, the Magistrate Judge's Report and Recommendation was filed and it recommended that Plaintiff's motion for summary judgment be **GRANTED**, that the Commissioner's motion for summary judgment be **DENIED**, that the final decision of

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<sup>1</sup> The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that federal courts use only the first name and last initial of any non-government parties in Social Security cases due to privacy concerns endemic to such cases.

the Commissioner be **VACATED**, and that the case be **REMANDED** for reconsideration. ECF No. 18, at 14. By copy of the Report and Recommendation, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. No objections were filed by either party and the time for filing objections has expired.

Having reviewed the relevant portions of the record, and finding no clear error in the Magistrate Judge's findings or reasoning,<sup>2</sup> the Court hereby **ADOPTS** in full the findings and recommendations set forth in the United States Magistrate Judge's written report filed on March 29, 2023. ECF No. 18. Accordingly, the Plaintiff's motion for summary judgment is **GRANTED**, ECF No. 14, the Commissioner's motion for summary judgment is **DENIED**, ECF No. 16, the final decision of the Commissioner is **VACATED**, and the case is **REMANDED** for reconsideration.

The Clerk shall forward a copy of this Final Order to counsel of record for the parties.

**IT IS SO ORDERED.**

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/s/   
Mark S. Davis  
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
April 27, 2023

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<sup>2</sup> As no objections to the Report and Recommendation were filed, this Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).